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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

DAVID MICHAELS,

Plaintiff,

v.

AGROS TRADING CONFECTIONERY
SPÓŁKA AKCYJNA,

Defendant.

Case No: 1:16-cv-01015

NOTICE OF MOTION TO DISMISS

AGROS TRADING CONFECTIONERY
SPÓŁKA AKCYJNA,

Counterclaimant,

v.

DAVID MICHAELS,

Counterdefendant.

To: The Clerk and All Parties of Record

PLEASE TAKE NOTICE THAT the undersigned counsel for Plaintiff David Michaels (“Michaels” or “Plaintiff”), by his attorneys, will move this Court on a date set by the Court or as soon thereafter as counsel can be heard, for an Order dismissing Defendant

Defendant/Counterclaimant Agros Trading Confectionary Spolka Akcyjna's ("Agros" or "Counterclaimant's") remaining counterclaims in their entirety, pursuant Fed. R. Civ. P. 12(b)(6), for failure to state a claim upon which relief can be granted, and granting such other, further and different relief as this Court deems just and proper.

This Motion is based on this Notice of Motion, the accompanying Memorandum of Law, the Declaration of Justin Mercer dated October 18, 2017, the Request for Judicial Notice filed concurrently herewith, the pleadings and papers filed in this action, and such further argument and matters as may be offered at the time of the hearing of this Motion.

DATED this 18th day of October 2017,

Respectfully Submitted:
LEWIS & LIN, LLC

By: /s/ Brett E. Lewis
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